OK TO ENTER: /R.S./
10/04/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

KOMETANI et al — Atty. Ref.: 380-45; Confirmation No. 3708

Appl. No. 10/724,608 — TC/A.U. 1796

Filed: December 2, 2003 — Examiner: Sergent

For: CATALYST FOR PRODUCTION OF A TWO COMPONENT POLYURETHANE SEALANT

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September 23, 2008

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE AFTER FINAL REJECTION

This is responsive to the Official Action of July 10, 2008. Claims 20, 23, 24 and 26-28 are pending in the application.

The sole issue presented is the rejection of claims 20, 23, 24 and 26-28 under 35 USC §103(a) as being unpatentable over Hagio et al ('104) in view of Laas et al ('044) and Nakamura et al ('034) and Hannah et al ('659). Applicants dispute the manner in which the prior art references are cited and applied and are concerned that it has been constructed on the basis of hindsight starting with knowledge of the present invention and then working backwards to find elements of it in the prior art. Before discussing the merits of the matter, it is useful to review the legal requirements for a rejection of the type now asserted.

To establish a case of *prima facie* obviousness, all of the claim limitations must be taught or suggested by the prior art. *See* M.P.E.P. § 2143.03. A claimed invention is unpatentable if the differences between it and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. *In re*